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3. REMARKS / DISCUSSION OF ISSUES

Claims 1-4, 5-11, 12-18, 20 and 21 are pending in the application. Claims 1, 8 and 15 are in independent form.

Unless indicated otherwise, claims are amended for non-statutory reasons: to correct one or more informalities, remove figure label number(s), and/or to replace European-style claim phraseology with American-style claim language.

I. Rejections under 35 U.S.C. § 102(b) and 102(e)

1. Claims 1-4, 6-11, 13-18 and 20-21 are rejected under 35 U.S.C. § 102(b) in view of *Zavislan, et al.* (U.S. Patent 5,836,877). These claims are also rejected under this section of the Code in view of *Ballantyne, et al.* (5,867,821). For at least the reasons set forth herein, it is respectfully submitted that these rejections are improper and should be withdrawn.

2. Claims 1-5, 7-12, 14-19 and 21 are 21 are rejected under 35 U.S.C. § 102(e) in view of *Singh, et al.* (U.S. Patent 6,816,842). For at least the reasons set forth herein, it is respectfully submitted that this rejection is improper and should be withdrawn.

A proper rejection for anticipation "...requires, as the first step in the inquiry, that **all the elements** of the claimed invention be described in a single reference." *In re Spada* 15 USPQ2d 1655, 1657 (1990). A necessary corollary to the test of anticipation is that "...the absence from the reference **of any claimed element** negates anticipation." *Kloster-Speedsteel AB v. Crucible, Inc.* 230 USPQ 81, 86 (CAFC 1986).

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a. Zavislan, et al. and Ballantyne, et al. do not disclose an ultrasound diagnostic device

Claim 1 is drawn to a an image management system. The image management system includes an image acquisition device, *comprising an ultrasound diagnostic device*.

Claim 8 is drawn to a method for applying an electronic signature to a report associated with an image file. The method includes *acquiring an ultrasonic diagnostic image from an ultrasound diagnostic device*.

Claim 15 is drawn to a computer readable medium having a program for applying an electronic signature to a report associated with an image file, the program comprising logic for performing the steps of:

receiving an ultrasonic diagnostic image from an ultrasonic image acquisition device.

The reference to *Zavislan, et al.* discloses a digital camera having a lens to provide digital images of tissue garnered during surgery. In the description, a lesion on the tissue is analyzed. Based on a skilled examination of the images, a pathologist generates diagnostic reports, which are authenticated by a digital signature that may be a personal identification number, password or electronic representation of the pathologist's signature.

However, *Zavislan, et al.* does not disclose, nor does the Office Action assert, that the reference disclose an ultrasound imaging device or the garnering of an ultrasound image.

The reference to *Ballantyne, et al.* is drawn to an apparatus for distribution of medical services, entertainment service and medical records, etc. The Office relies on the disclosure of a personal digital assistant (PDA) that may be used to gather medical diagnostic data for the teaching of a diagnostic image using an image acquisition device. The reference lacks at least the disclosure of an ultrasonic image acquisition device and the acquiring of ultrasonic images therefrom.

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b. Singh, et al. does not disclose associating one of the plurality of electronic signature files with the diagnostic image

In addition to the features noted above, claim 1 discloses a computer that:
"*...includes logic for associating one of the plurality of electronic signature files with the diagnostic image.*"

By contrast, the reference to *Singh, et al.* discloses a method of electronic processing of business contract information. The business contract system 160 sells contracts and subscriptions, processes payments and performs similar functions. A license generator 164 generates a license file that contains a digital signature. The garnering of the digital signature is used to authorize a user to access a remote system. This is done using a creation module 170. Notably, the digital signature is not associated with a diagnostic image as claimed, but rather effects the authorization by a user to a licensed system.

Claims 8 and 15 include a similar feature to that of claim 1 above. Thus, Applicants submit that the reference to *Singh, et al.* fails to disclose at least one feature of each of claims 1, 8 and 15.

For at least the reasons set forth above, it is respectfully submitted that a prima facie case of anticipation has not been made. Thus, the rejection of claim 1 is improper and should be withdrawn. Allowance of claims 1, 8 and 15 and the claims that depend therefrom are earnestly solicited.

V. Conclusion

In view of the foregoing, applicant(s) respectfully request(s) that the Examiner withdraw the objection(s) and/or rejection(s) of record, allow all the pending claims, and find the application in condition for allowance. If any points remain in issue that may best be resolved through a personal or telephonic interview, the Examiner is respectfully requested to contact the undersigned at the telephone number listed below.

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If necessary, the Commissioner is hereby authorized in this, concurrent, and further replies to charge payment or credit any overpayment to Deposit Account Number 50-0238 for any additional fees, including, but not limited to, the fees under 37 C.F.R. §1.16 or under 37 C.F.R. §1.17.

Respectfully submitted,



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